

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

*DES MOINES BOTANICAL CENTER  
909 East River Drive*

July 13, 1998 4:30 P.M.

**INVOCATION:** Pastor Terrence Hennesy, Highland Park Presbyterian Church

98-2116 1. ROLL CALL: **Present: Daniels, Coleman, Hensley, McPherson, Phillips and Vlassis. Absent: Flagg.**

98-2117 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2118 3. APPROVING CONSENT AGENDA - items 3 through 94: **Moved by McPherson to adopt the balance of the Consent Agenda.**

**LICENSES AND PERMITS:**

Approving

98-2119 4. Communication from Legal Department regarding July 13, 1998 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 6-1.**

Class "B" Beer Licenses

98-2120 5. Amana Colonies State Fair Company, Carl Oehl, President dba Amanas on the Hill, Iowa State Fairgrounds, 3000 East Grand Avenue; Renewal - Expires 7-31-98 (With Sunday Sales and Beer Garden) - Application submitted 6-22-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2121 6. Leslie Nguyen dba Chinese Kitchen, 3422 ML King Parkway; Renewal - Expires 7-27-98 (With Sunday Sales) - Application submitted 6-4-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2122 7. M & E Cunningham Corporation, Edward H. Cunningham, President dba Concession Spot 23, Iowa State Fairgrounds, 3000 East Grand Avenue; New Application (With Sunday Sales and Beer Garden) - Application submitted 6-22-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2123 8. CRL Corp., Ryan Smithson, President dba CRL Corp., Court Avenue Bridge; New Application for special event on 8-8-98 (With Beer Garden) - Application submitted 6-25-98. **Moved by Vlassis to adopt. Motion Carried 6-1.**

98-2124 (A) Approving exception regarding length of time request from Ryan Smithson representing Kids With A Wish Foundation, for a party on Court Avenue Bridge on Saturday, August 8th, 1998 from 2:00 P.M. until 12:00 Midnight. **Moved by Vlassis to adopt. Motion Carried 6-1.**

## **WITHDRAWN**

98-2125 9. Los Laureles, Inc., Eufrazio Mayorga, President dba Los Laureles, 1518 Grand Avenue; Renewal - Expires 7-29-98 (With Sunday Sales) - Application submitted 6-4-98.

98-2126 10. Peggy's Tavern, Inc., Robert L. LaFratte, President dba Peggy's, 3020 Forest; New Application (With Sunday Sales) - Application submitted 6-29-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2127 11. Society of Italian Americans, Inc., Thomas A. Renda, President dba Society of Italian Americans, 1801 Southwest McKinley Avenue; New Application for Special Event 7-30-98 thru 8-2-98 (With Sunday Sales and Beer Garden) - Application submitted 6-18-98. Subject to submission of acceptable building inspection. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2128 12. Diversified Management Assoc., Ltd, Lyle Kreps, President dba Stockman's Inn, Iowa State Fairgrounds, 3000 East Grand; Renewal - Expires 8-7-98 (With Sunday Sales and Beer Garden) - Application submitted 6-25-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

## Class "C" Beer Licenses

98-2129 13. Dell Oil Ltd., William D. Sawdey, President dba Dell Oil, 5800 Southwest 9th Street; Renewal - Expires 7-26-98 (With Sunday Sales) - Application submitted 6-19-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2130 14. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #26, 2140 Southeast Park Avenue; Renewal - Expires 8-10-98 (With Sunday Sales) - Application submitted 6-8-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2131 15. Kwik Shop, Inc., Steve Mostrom, District Manager dba Kwik Shop #554, 2919 East 14th Street; Renewal - Expires 7-28-98 (With Sunday Sales) - Application submitted 6-9-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

## Class "E" Beer Licenses

98-2132 16. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #7, 1829 6th Avenue; Renewal - Expires 7-23-98 (With Sunday Sales) - Application submitted 6-12-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2133 17. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #523, 850 Army Post Road; Renewal - Expires 8-14-98 (With Sunday Sales) - Application submitted 6-8-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "B" Wine Licenses

98-2134 18. Embassy Club, Michael L. McCoy, President dba Embassy Club, 801 Grand Avenue; Renewal - Expires 7-19-98 - Application submitted 6-19-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "A" Liquor Licenses

98-2135 19. Embassy Club, Michael L. McCoy, President dba Embassy Club, 801 Grand Avenue; Renewal - Expires 7-19-98 (With Sunday Sales) - Application submitted 6-19-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2136 20. Beaverdale VFW Club, Gale H. Holmes, Post Commander dba Beaverdale VFW Club, 4029 Urbandale; Renewal - Expires 7-17-98 - Application submitted 5-29-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "B" Liquor Licenses

98-2137 21. Sixth Avenue Hotel Partnership, Gene Caleb, General Manager dba Holiday Inn Downtown, 1050 6th Avenue; Renewal - Expires 7-14-98 (With Sunday Sales) - Application submitted 6-18-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "C" Liquor Licenses

98-2138 22. Southern Golf, Inc., Ned Chiodo, President dba AH Blank Golf Course, 808 County Line Road; Renewal - Expires 7-21-98 (With Sunday Sales and Beer Garden) - Application submitted 6-25-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2139 23. Chuck's Restaurant, Inc., Linda Bisignano, President dba Chuck's Restaurant, 3608-3610 6th Avenue; Renewal - Expires 7-21-98 - Application submitted 6-18-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2140 24. Saltwater Inc., Craig Kelso, President dba Coral Reef Cafe, 2615 Ingersoll; Renewal - Expires 7-31-98 - Application submitted 6-22-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2141 25. Croatian Fraternal Slavic Center, Ronald C. Streeter, President dba Croatian Fraternal Slavic Center, 6575 Indianola Road; Renewal - Expires 8-24-98 (With Sunday Sales) - Application submitted 6-19-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2142 26. Des Moines Amvets Post #2, Home Inc., Edward D. Harvey, Sr., Commander dba Des Moines Amvets Post #2, 2818 5th Street; Renewal - Expires 7-22-98 (With Sunday Sales) - Application submitted 6-19-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2143 27. Gerleman Management Corp., Bruce W. Gerleman, President dba Splash, 303 Locust; New Application (With Sunday Sales) - Application submitted 6-18-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2144 28. T & G, Inc., Eugene H. Versteegh, President dba Koffee Korner, 1030 E 9th Street; Renewal - Expires 7-21-98 - Application submitted 6-19-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2145 29. La Pizza House, Inc., Russell E. Peel, President dba La Pizza House, 1013 Southeast 14th Street; Renewal - Expires 7-24-98 - Application submitted 6-18-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2146 30. Jim-Kim, Inc., Richard R. Albizo, President dba Richard's Extra Innings, 1500 SE 1st Street; Renewal - Expires 7-18-98 (With Sunday Sales and Beer Garden) - Application submitted 6-18-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

#### Class "F" Liquor Licenses

98-2147 31. Proffitt's, Inc., James A. Coggin, President dba Younker's Tea Room, 701 Walnut Street; New Application (With Sunday Sales) - Application submitted 6-29-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

#### Authorizing

98-2148 32. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2149 33. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by McPherson to adopt. Motion Carried 6-1.**

#### Beer Gardens

98-2150 34. Temporary beer garden for D.T. Corner Corp., Larry Smithson, President dba Papa's Planet, 208 3rd Street for special event on July 18, 1998. **Moved by Vlassis to adopt. Motion Carried 6-1.**

98-2151 (A) Approving exception regarding length of time request from D.T. Corner Corp., Larry Smithson, President dba Papa's Planet, 208 3rd Street to close 3rd Street (WEST LANE ONLY) and Court Avenue (NORTH LANE ONLY) from 208 3rd Street to 206 3rd Street on Saturday, July 18, 1998 from 3:00 P.M. until 12:00 Midnight for special event. **Moved by Vlassis to adopt. Motion Carried 6-1.**

98-2152 35. Temporary beer garden for Gen Corp., Larry Smithson, President dba Generations, 319 Court for special event on July 18, 1998. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2153 (A) Approving exception regarding length of time request from Ryan Smithson, representing Generations, 319 Court Avenue to close Court Avenue (NORTH LANE ONLY) from 4th Street to the parking lot entrance east of 319 Court Avenue on Saturday, July 18, 1998 from 3:00 P.M. until 12:00 Midnight for special event. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2154 36. Temporary beer garden for 215 Group L.C., Scott Formaro dba Gilligan's, 208 Court Avenue for July 17, 1998 thru July 19, 1998 for Carp Fest. **Moved by Vlassis to adopt. Motion Carried 6-1.**

98-2155 (A) Approving exception regarding length of time request from 215 Group L.C., Scott Formaro dba Gilligan's, 208 Court Avenue to close sidewalk and eight parking spaces in front of 208 Court Avenue. **Moved by Vlassis to adopt. Motion Carried 6-1.**

98-2156 (B) City Council discussion regarding recent requests for extension of beer gardens in downtown. **Moved by Vlassis to receive, file and refer to City Manager, Legal and City Plan Commission to review existing block party policy in commercial districts, frequency of events. possibility of requiring these events to dedicate a specific percentage of event receipts to a recognized charity; all for a recommendation by October 1, 1998, including input from the Downtown Coordinating Council.**

#### Refunds

98-2157 37. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 6-1.**

#### Transfers

98-2158 38. Request from Connie Derry dba The Hideaway, 4845 Merle Hay Road for temporary transfer of Class "C" Liquor License No. LC-25123 to Blank Park on August 2, 1998 for a one day special event. **Moved by McPherson to adopt. Motion Carried 6-1.**

#### Change of Location

98-2159 39. Request from Ingersoll Liquor & Beverage Co., In Bo Jung, President dba Ingersoll Wine & Spirits, from 3503 Ingersoll to 3500 Ingersoll. (Class "E" Beer License No. BE 1141 & Class "E" Liquor License No. LE 214). **Moved by McPherson to adopt. Motion Carried 6-1.**

### **PUBLIC IMPROVEMENTS**

98-2160 40. Professional Services Agreement Amendment No. 3, Wastewater Reclamation Authority (WRA) Wastewater Treatment Plant Biosolids Facilities project with RUST/Metcalf &

Eddy, a Joint Venture to provide additional out-of-scope Engineering Design Service for the final design - \$21,030. ([Council Communication No. 98-287](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2161 41. Professional Service Agreements for Special Assessment Appraisal Services with Rebecca K. Orr, Joseph J. Bell, Jeff Rowat, and L.E. Calvert. ([Council Communication No. 98-286](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2162 (A) Appointment of Rebecca K. Orr, Jeff Rowat and L.E. Calvert as Valuation Committee for 1998 Intermediate Paving Program and Rebecca K. Orr, Jeff Rowat and Joseph J. Bell as Valuation Committee for 1999 Paving Program. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2163 42. Approving Change Order No. 1 with Cramer and Associates, Inc., for additional work in conjunction with SW 7th Street Bridge over Raccoon River Contract in an amount not to exceed \$33,988.50. ([Council Communication No. 98-280](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2164 43. Approving Change Order No. 2 with M. Peterson Construction Company for additional work in conjunction with the 30th Street/31st Street Improvements-Kingman Blvd. to Forest Avenue Contract in an amount not to exceed \$14,950 and attached communication from M. Peterson Construction Company requesting permission to sublet asbestos removal. ([Council Communication No. 98-279](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

44. Resolution Ordering Construction of the following:

98-2165 (A) Tuttle Street Paving - SW 5th Street to SW 9th Street, (part of M.L. King, Jr., Parkway Project), Setting Date of Hearing (7-27-98), IDOT bid letting, (Construction Estimate - \$783,214.75). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2166 (B) Walnut Street Sanitary Sewer Televising: Receiving of Bids (7-28-98), and Setting Date of Hearing (8-3-98), (Construction Estimate - \$15,420). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2167 (C) SE 14th Street and E. Diehl Avenue Intersection Improvements, Receiving of Bids (7-28-98), and Setting Date of Hearing (8-3-98). (Construction Estimate - \$268,179.40). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2168 (D) 1505 & 1507 E. Walnut Demolition, Receiving of Bids (7-28-98), and Setting Date of Hearing (8-3-98). (Construction Estimate - \$22,750). **Moved by McPherson to adopt. Motion Carried 6-1.**

45. Approving waiving of bidding requirements and award of contracts for the following emergency repairs:

98-2169 (A) Temporary levee near SE 9th Street and E. Jackson Avenue with McAninch Corporation - \$13,300. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2170 (B) Repair of SE 9th Street and E. Jackson Avenue Emergency Sanitary Sewer with Van Hauen and Associates, Inc. - \$120,000. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2171 (C) Repair of SE 5th Street Emergency Sanitary Sewer with Corell Contractor, Inc. - \$17,700. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2172 (D) Repair of 400 Block of E. Gray Street, Emergency Sewer Repair with The Underground Company - \$17,500. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2173 46. Communication from various contractors, requesting permission to sublet certain items on six City Public Improvement projects. (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 6-1.**

47. Approving Private Construction Contracts for the following:

98-2174 (A) Sanitary Sewer Improvements on SW 23rd Street approximately 100 feet South of Bell Avenue to service A.I.B. Activities Center at 2500 Fleur Drive between R.G. Elder & Son Co., (Jared R. Elder, Pres., DSM), Contractor and American Institute of Business, (Keith Fenton, Pres., DSM), Owner - \$8600. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2175 (B) Sanitary Sewer for new development of Brook Run Village Plat 1, Douglas Avenue and Brook Ridge Court between McAninch Corporation (Dwayne McAninch, Pres., West Des Moines), Contractor and Brook Run L.C. (Gene Stanbrough, Pres., West Des Moines), Owner - \$339,514. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2176 (C) Storm Sewer for new development of Brook Run Village Plat 1, Douglas Avenue and Brook Ridge Court between McAninch Corporation (Dwayne McAninch, Pres., West Des Moines), Contractor and Brook Run L.C. (Gene Stanbrough, Pres., West Des Moines), Owner - \$185,300. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2177 48. Approving completion and recommending acceptance of Private Construction Contract for parking addition and drop-off lane construction at Hanawalt Elementary, 225 56th Street, between Grimes Asphalt & Paving Corp., J. M. Yonker, President-Contractor, Des Moines Independent School District, Dr. Gary Wegenke, Superintendent-Owners. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2178 49. Approving completion and recommending acceptance of Private Construction Contract for Bus Turn-In Improvements Findley Elementary School along East Curb Line of Oxford between E Hull Avenue and E Tiffin Avenue between Nuckolls Concrete Services, Inc., Brett Nuckolls, President-Contractor and Des Moines Independent Community School District, Elizabeth Goodwin, Board President-Owners. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2179 50. Approving completion and recommending acceptance of Private Construction Contract for PCC Pavement Widening on the South side of E Leach Avenue between South Union and SE 2nd Street to serve Granger School between National Concrete Services, Inc., Frank Gillotti, President-Contractors, and Des Moines Public Schools, Gary Wegenke, Superintendent-Owners. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2180 51. Approving partial payments on eleven public improvement projects. (Call City Clerk's Office for listing) **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2181 52. Notification of Iowa Department of Transportation patching project on I-235 during 1999. **Moved by McPherson to receive and file. Motion Carried 6-1.**

### **SPECIAL ASSESSMENTS**

98-2182 53. Resolution levying Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 1998-42 and providing for payment. **Moved by McPherson to adopt. Motion Carried 6-1.**

### **LAND/PROPERTY TRANSACTIONS**

98-2183 54. Fair Market Value for property at 2015 Woodland Avenue, in conjunction with Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass, from Norman G. Jesse-\$3,000. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2184 55. Condemnation Commissioners' award of \$2,000 plus Sheriff's fees and jury expenses in conjunction with Merle Hay Road Sanitary Sewer, to Robert J. Anderson and Yvonne H. Anderson. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2185 56. Revised Offer to Purchase Real Estate and Acceptance and Warranty Deed in conjunction with Army Post/Highway 28 Relocation & Runway 5/23 Extension (Grant 23), 5160 Pine Ave-Fiske Family Trust, from Leone Genevieve Fiske and Jane Leone Fiske, as Co-Trustees and the Successor Trustees of the Fiske Revocable Family Trust as created by Declaration of Trust-\$87,064. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2186 57. Offer to Purchase Real Estate and Acceptance and Warranty Deed in conjunction with Army Post/Highway 28 Relocation & Runway 5/23 Extension (Grant 23), from Robert F. Abild, vacant land in the 4700 Blk of Pine-\$200,058. **Moved by McPherson to adopt. Motion Carried 6-1.**

58. Temporary Easement for Construction, Permanent Easement for Storm Sewer Right-of-Way, Permanent Access Easement, and Future Title Work Compensation in conjunction with 1997 Sanitary Sewer Repair Contract No. 1, 2800 Blk Francis Ave, 2700 Blk E Douglas Ave, 700 Blk Ronwood Dr., from the following:

98-2187 (A) James M. Cordero and Paula K. Cordero, 2727 E. Douglas Avenue-\$50. **Moved by McPherson to adopt. Motion Carried 6-1.**



98-2188 (B) Mark A. Humphrey, Fredd J. Haas, and Clifton F. Metcher, 2110 26th Street-\$2,188. **Moved by McPherson to adopt. Motion Carried 6-1.**

59. Temporary Easement for Construction, Permanent Easement for Storm Sewer Right-of-Way, Permanent Easement for Surface Water Flowage and Future Title Work Compensation in conjunction with SW 3rd Street Storm Sewer, Thornton Avenue to Rose Street from the following:

98-2189 (A) Raymond R. Stimple, Jr., and Natalie J. Stimple, 212 Thornton Avenue-\$750. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2190 (B) Charles W. Backstrom and Mary F. Backstrom, 3720 SW 2nd Street-\$1,337. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2191 (C) Bill R. Danley and Tina A. Danley, 3611 SW 3rd Street-\$2,680. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2192 (D) Mary F. Greco, 223 Rose Avenue-\$207. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2193 60. Temporary Easement for Construction, Permanent Easement for Sanitary Sewer Right-of-Way, and Future Title Work Compensation in conjunction with Merle Hay Road Sanitary Sewer, from Lillie M. Rittgers, Kenneth W. Rittgers and Nancy L. Rittgers, James G. Rittgers, Donald W. Rittgers and Marcia A. Rittgers, and Janet C. Cole and Laurin J. Cole, 5323 Meredith Drive-\$31,800. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2194 61. Approving Noise and Avigation Easements for 22 properties in conjunction with the Airport Noise Compatibility Program, Phase II, (Easement Purchase Program). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2195 62. Approving Noise and Avigation Easement for two properties in conjunction with the Airport Noise Compatibility Program, Phase II, (Resale Assurance Program). **Moved by McPherson to adopt. Motion Carried 6-1.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

98-2196 63. Reappointment recommendation by Council Member Mike McPherson, Ward II, of Carolyn Mehl to the Citizen Odor Board for a three-year term to expire April 2, 2001. **Moved by McPherson to adopt. Motion Carried 6-1.**

## **STREET CLOSINGS**

98-2197 64. Approving closure of the following City Street: **Moved by McPherson to adopt. Motion Carried 6-1.**

(1) Mark Barkley, 701 Walnut, requesting permission to close Alley, north of Cherry for 1/2 block west of 8th Street, on Friday, July 24, 1998 from 11:00 A.M. until 5:00 P.M. for a block party.

(2) Linda Bisignano, 3610 6th Avenue, requesting permission to close 6th Avenue from Euclid to Douglas, on Saturday, August 1, 1998 from 5:00 P.M. until 9:00 P.M. for a block party.

(3) Pat O'Brien, 3307 SE 19th Street, requesting permission to close SE 19th Court from 3412 SE 19th Court to 3405 SE 19th Court, on Saturday, August 1, 1998 from 4:00 P.M. until 10:00 P.M. for a neighborhood block party.

(4) Linda Kreyling, 1328 Chautauqua Parkway, requesting permission to close 13th and Jefferson, Allison and 16th, Burlington Terrace and 16th from Hickman and Chautauqua West to Nash and Hickman, Hickman and Chautauqua West, on Sunday, August 2, 1998 from 2:00 to 6:00 P.M. for a neighborhood block party.

64. Approving closure of the following City Street:

(5) Marta Boelling, 3119 47th Street, requesting permission to close 47th Street from Urbandale Avenue to Ovid Avenue, on Sunday, August 2, 1998 from 5:00 P.M. until 9:00 P.M. for a neighborhood block party.

(6) Judy Sebern-Beachy, 4127 Allison Avenue, requesting permission to close Allison Avenue from 4205 Allison to 4311 Allison, on Sunday, September 20, 1998 from 1:30 P.M. until 6:30 P.M. for a neighborhood block party.

98-2198 65. Approving exception regarding length of time request from Mary E. Campos, representing Our Lady of Guadalupe Chapel, 203 E. 16th Street, request to close Scott Avenue from SE 8th Street to SE 9th Street on Sunday, July 26, 1998 from 8:00 A.M. until 7:00 P.M. for a church festival. **Moved by McPherson to adopt. Motion Carried 6-1.**

## **SETTING DATE OF HEARINGS**

### **WITHDRAWN**

98-2199 66. On request from Kathy Prainito, for O'Reilly Automotive, Inc., to rezone property at 1335 E. Ovid Avenue, from "R1-60" (One-Family Low Density Residential) to Limited "C-2" (General Retail and Highway Oriented Commercial) to allow for a 6,400 square foot retail auto parts store, (7-13-98).

98-2200 67. On Redevelopment Proposal from Ben's Keystone Construction, L.C., for purchase of property at 714 SE 10th, 809 SE Maury, 710 SE 8th, 713 SE 7th and 816 SE 7th, and 820 SE 7th, Capitolview South Neighborhood, and approving sale price of \$11,335, (7-27-98). [\(Council Communication No. 98-289 attached\)](#) **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2201 68. On application from Rhonda Burkhardt, to rezone property at 2407 SW 9th Street from "R1-60" (One-Family Low Density Residential) to "C-1" (Neighborhood Retail Commercial), (7-27-98). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2202 69. On sale and conveyance of north/south alley between 41st and 42nd Street extending north from Crocker Street, to Ranchland Company, \$25 plus costs, (7-27-98). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2203 70. On vacation and sale of a portion of the E. 33rd Street right-of-way between E. Douglas and E. Clinton, to Laverne R. and Rebecca J. Overton, \$100, (7-27-98). **Moved by McPherson to adopt. Motion Carried 6-1.**

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

98-2204 71. Approving payment of \$7,000, to Jeanne Cowger, for property damage and loss of income resulting from an auto accident on March 31, 1998. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2205 72. Approving payment of \$20,000 to Jack Crouch for lump sum payment pursuant to workers' compensation for injury during course of employment. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2206 73. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by McPherson to review, file and affirm settlements made by Corporation Counsel. Motion Carried 6-1.**

#### **CITY MANAGER COMMUNICATIONS**

98-2207 74. Submitting out-of-state travel request for Donald McLaughlin, Kirk Haines, Robert Davis, Douglas Philip, Bruce Elrod, Bobbi Wojewoda, Pam Lewis, Jean Bodenstedt and Michael Armstrong. [\(Council Communication No. 98-282\)](#). **Moved by McPherson to adopt. Motion Carried 6-1.**

75. NUMBER NOT USED.

#### **APPROVING**

98-2208 76. City Manager's Monthly Financial Report for May 1998. (On file in Finance and City Clerk's Office). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2209 77. Communication from Polk County Election Office requesting permission to use City Facilities for School Election on Tuesday, September 8, 1998. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2210 78. Communication from Des Moines Water Works submitting Audit Statements for the years ending December 31, 1997 and 1996. **Moved by McPherson to receive and file. Motion Carried 6-1.**

98-2211 79. Municipal Housing Agency calculation of the 1999 Performance Funding System Operating Subsidy. ([Council Communication No. 98-299](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2212 80. Grant application to Iowa Department of Natural Resources for Resource Enhancement and Protection Grant for Four Mile Creek Trail project - \$300,000. ([Council Communication No. 98-292](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2213 81. Three-year Concession Agreement with Bernadine Laud, for Ashworth Swimming Pool, (15% of gross sales). ([Council Communication No. 98-291](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

98-2214 82. Extension of Intergovernmental 28E Agreement with the Blank Park Zoo Foundation, to July 21, 1999. ([Council Communication No. 98-290](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

98-2215 83. 1998 Local Law Enforcement Block Grant Program Grant Application, \$315,010, (10% local match), for equipment and technology. ([Council Communication No. 98-288](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2216 84. Agreement with Iowa Department of Public Health, for Vice and Narcotics Section of the Police Department to participate in the Tobacco Retailer Compliance Program. ([Council Communication No. 98-278](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

85. Social Service Block Grant (SSBG) contracts with the following:

98-2217 (A) John R. Grubb YMCA for Enterprise Community Child Care Scholarships Project to provide personal development focusing on self-esteem, academic enrichment, recreational opportunity and monitoring - \$20,000. **Moved by Hensley to adopt. Motion Carried 6-1.**

98-2218 (B) Mid City Business Center, Inc., for Expansion of Small Business Service Project to provide technical assistance to businesses encouraging self-employment opportunities in Enterprise Community - \$43,000. **Moved by Hensley to adopt. Motion Carried 6-1.**

86. The following Emergency Shelter Grant (ESG) contracts:

## **WITHDRAWN**

98-2219 (A) Our Community Kitchen in the amount of \$12,900 for period July 1, 1998 to June 30, 1999. ([Council Communication No. 98-301](#)).

## WITHDRAWN

98-2220 (B) Iowa Annual Conference-United Methodist Church for La Embajada project in the amount of \$28,000 for period July 1, 1998 to June 30, 1999.

87. Bids for the following:

98-2221 (A) Herman M. Brown Co., (100 Sheridan Avenue, DM, Mike Sill, President), for four motor graders and one double drum roller, to be used by the Public Works Department, \$371,286, (nine bids mailed-five received). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2222 (B) Sharples/Alfa Leval, (Warminister, PA), for repair parts for the number two centrifuge bowl and conveyor, at the WRA., \$14,826.60, (non-competitive procurement). [\(Council Communication No. 98-297\)](#). **Moved by Coleman to adopt. Motion Carried 6-1.**

98-2223 (C) Mid-States Ford Truck Sales, Inc., (4300 NE 14th St. DM), for five window vans to be used by the Engineering Department, \$100,120.90 (ten bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2224 (D) Iowa Transit, Inc., (Ames, Bob Welch, President), for remote controlled survey station, to be used by the Survey Division, \$30,137, (three bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2225 (E) Data Connect (3405 Olandwood Ct., Olney, MD, Barry Patton, President), for data communication equipment to be used in the Library Remote Network System, \$10,348, (three bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2226 (F) Pomeroy Computer Resources, (1408 Locust, DM, Dave Pomeroy, President), for Olicom computer equipment, to be used in the Library Remote Network System, \$43,070, (five bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2227 (G) CompUSA, Clive, (James Halpin, President), for annual agreement for personal computers and accessories to be used by City Departments, Level 1--\$1460.16, Level 2--\$1728.00 and Level 3--\$2778.80, (thirteen bids mailed-seven received). [\(Council Communication No. 98-294\)](#). **Moved by Coleman to adopt. Motion Carried 6-1.**

98-2228 88. Civil Service Promotional List for Police Lieutenant and Senior Police Officer and Entrance List for Police Information Typist. **Moved by McPherson to receive and file. Motion Carried 6-1.**

98-2229 89. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-2230 90. Authorizing Finance Director to draw warrants on register of July 2, July 10, and July 17, 1998, and the bills of the Des Moines Municipal Housing Agency for the weeks beginning July 13, 1998 and July 20, 1998, and the biweekly payroll due employees on July 2, 1998. **Moved by McPherson to adopt. Motion Carried 6-1.**

**ORDINANCES - FINAL CONSIDERATION**

98-2231 91. Amending Chapter 17 of the Municipal Code to allow cage or box live trapping of non-domestic animals or wildlife presenting a nuisance or danger to person or property. **Moved by McPherson that this ordinance do now pass, [#13,619](#). Motion Carried 6-1.**

**ORDINANCES - SECOND CONSIDERATION**

98-2232 92. Submitting various traffic regulation changes as follows. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

- (1) Speed Reduction-Southwest Sixth-third Street between Browns Woods Drive and Army Post Road.
- (2) No Stopping, No Standing Designation Near Lovejoy Elementary School.
- (3) Two-Sided Parking Restriction-Southeast Seventeenth Street between Pleasantview Drive North to End of the North Curve.
- (4) Request for Two-Sided Parking Restriction-Southwest Ninth Street from County Line Road North 300 Feet.

98-2233 93. Amending Chapter 26 of the Municipal Code regarding Water Works Board of Trustees, and the City's water utility--Code update for compliance. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

98-2234 94. On amendments to Traffic Code and Zoning Ordinance, to permit Community Development Dept. staff to write parking tickets for cars illegally parked in front yards, for violation of the Zoning Ordinance. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

\*\*\*\*\* END CONSENT AGENDA \*\*\*\*\*

**\*\*Council considered Item 97 next  
then Hearing Items 99 through 109\*\***

**ORDINANCES - FIRST CONSIDERATION**

98-2235 95. Amending Chapter 8 of the Municipal Code regarding update of the Plumbing Code. ([Council Communication No. 98-295](#)). **Moved by Hensley that this ordinance be**

**considered and given first vote for passage. Motion Carried 4-1-2. Nays: Coleman. Absent: Flagg and McPherson.**

98-2236 96. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Flagg and McPherson.**

(1) Mid-block signal--1600 block of E. Evergreen (Jackson Elementary School)

(B) Handicapped Parking Space--south side of Lyon Street west of E. 17th Street.

## **COUNCIL REQUESTS**

98-2237 97. From Council Member McPherson to discuss tornado warning sirens. **Moved by McPherson to discuss; refer to City Manager for review and recommendation. Motion Carried 6-1.**

98-2238 98. Oral request of Council Member Tom Vlassis, to discuss the Forest Avenue/M.L. King Corridor. **Moved by Vlassis to discuss; refer to City Manager and staff to begin appropriate negotiations with County, Drake and Business Community, for funding and formation of 28E Agreements for Council consideration. Motion Carried 5-2. Absent: Flagg and McPherson.**

**\*Council considered Item 110 through end of agenda next\*\***

## **HEARINGS (Opened at 5:30 P.M.) (Items 99 thru 109)**

98-2239 99. On City Plan Commission recommendation to DENY rezoning

**WITHDRAWN** request from William Flannery, Aviation Department Director, to rezone properties from SW 42nd Street and Army Post Road -- east and north of future relocated Army Post Road to Littell Avenue, from "R1-80", "PBP" and "PUD", to "M-3" (Limited Industrial District), for future airport related use; or,

98-2240 (A) ALTERNATE RESOLUTION--to approve rezoning request, (requires 6 votes). **Moved by Hensley to adopt. Motion Carried 6-1.**

98-2241 (B) First consideration of ordinance approving rezoning request, (requires 6 votes). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

98-2242 99. (C) Approval to acquire property required for buffer area around proposed consolidated aircraft fuel storage facilities at the airport, 3090 and 3060 Army Post Road, and 6560 SW 30th Street. [\(Council Communication No. 98-285\)](#). **Moved by Hensley to adopt. Motion Carried 6-1.**

98-2243 (D) Architectural Advisory Committee's recommendation on proposed fuel farm located at the Airport. **Moved by Hensley to receive and file. Motion Carried 6-1.**

98-2244 (E) Communication from Airport Board Chair regarding use of eminent domain to acquire property. **Moved by Hensley to receive and file. Motion Carried 6-1.**

98-2245 100. Amended Revision to the Capital Improvements Program for the period 1998-1999 to 2003-2004 for the Sanitary Sewer and Storm Water Utility Program. **Moved by Vlassis to adopt. City Manager to implement intermediate fee increases at earliest possible date, and to provide specific recommendations to finance next phases. Motion Carried 6-1.**

98-2246 (A) Hearing and adoption of Amendment to the Annual Budget for current fiscal year ending June 30, 1999. ([Council Communication No. 98-296](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

98-2247 (B) Approving receipt of written requests to speak regarding recent flooding and storm sewers. **Moved by Vlassis to receive, file and grant the requests to speak, and acknowledge receipt of all documents received. Motion Carried 6-1.**

**\*\*Council Member McPherson left the meeting at 8:05 P.M.\*\***

98-2248 101. On approval of amendment to the Zoning Ordinance regarding off-premise advertising signs. **Moved by Hensley to adopt. Motion Carried 5-2.**

98-2249 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Flagg and McPherson.**

proval of amendment to the Zoning Ordinance regarding allowed size of canopies and number of car service areas for convenience stores and gas stations within "C-1" and "NPC" districts. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2251 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2252 103. On approval of vacation and sale of east/west alley right-of-way between S.E. 15th and S.E. 16th south of Maury, to Bud J. and Leola M. Sonderleiter, \$400 plus costs, (continued from 6-22-98). **Moved by Phillips to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2253 (A) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2254 104. On SW 3rd Street Storm Sewer - Thornton Avenue to Rose Avenue: Resolution



approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Van Hauen & Associates, Inc., (Mark Van Hauen, President, Clive), \$165,165. **Moved by Phillips to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2255 (A) Approving contract and bond. **Moved by Phillips to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2256 105. On 7th Street and Grand Avenue Parking Garage Relighting: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Thompson Electric Company, (Craig Thompson Sr. CEO, Urbandale), \$189,075. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2257 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2258 106. On Glendale Mausoleum Renovation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Munro Construction, Co, (Patrick T. Munro, President, 2835 46th Street, DM), \$29,990. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2259 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2260 107. On Park Avenue Widening at SW 56th Street-IDOT Project: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as M. Peterson Construction Co. (Merlin Peterson, President, 4000 Delaware, DM), \$425,187. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2261 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2262 108. On 1998 Sanitary Sewer Relining Contract No. 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Insituform Central, Inc., (Robert W. Affholder, President, Chesterfield, MO), \$361,395. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2263 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2264 109. On Fire Station No. 10--West side of Indianola Avenue and E. Payton Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Munro Construction Co., (Patrick T. Munro, President,

2835-46th Street, DM), \$518,600. **Moved by Phillips to adopt. Motion Carried 4-1-2 Nays: Vlassis. Absent: Flagg and McPherson.**

98-2265 (A) Approving contract and bond. **Moved by Phillips to adopt. Motion Carried 4-1-2. Nays: Vlassis. Absent: Flagg and McPherson.**

\* \* END HEARINGS at 8:45 P.M. \* \*  
**\*\*Council considered Items 95 through 98 next\*\***

## **APPROVING**

98-2266 110. Professional Services Agreement with Team Two Inc., to provide Fire Department Ambulance billing services. ([Council Communication No. 98-300](#)). **Moved by Phillips to adopt. Motion Carried 5-2.**

98-2267 111. Application for FEMA Reimbursement of eligible expenses for damage resulting from recent storms, and designation of City Representatives for such purposes. ([Council Communication No. 98-281](#)). **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2268 112. Request for Proposals (RFP) for financial advisory services. ([Council Communication No. 98-298](#)). **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2269 113. Amended application to secure additional \$100,000 grant from Region VII Environmental Protection Agency's Brownfields Economic Redevelopment Initiative Program, for site assessment work and related planning for the proposed AgriBusiness Park. ([Council Communication No. 98-293](#)). **Moved by Coleman to approve. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2270 114. Status Report from City Manager on proposal to assist low income residents with storm clean-up (City Manager will report further in two weeks). ([Council Communication No. 98-302](#)). **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

\* \* \* \* \*

## **EXTRA ITEMS**

**These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.**

**98-2271 1.** Oral request of Council Member Mike McPherson to place an extra item on the agenda regarding request from Mr. Dennis Goddard, 3847-11th Street, for a four-way stop sign at 11th and Seneca Streets. SPONSOR: McPherson. **Moved by Vlassis to discuss, and refer to**

**City Manager and Traffic Safety Committee; also intersection of Beaver and Aurora, and Beaver and Valdez, both for three-way stops at each. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2272 2. Setting Date of Hearing on vacation and sale of the North/South alley between 10th and 11th Streets, north of Grand, to Principal Mutual Life Insurance Company, \$63,000, (7-27-98). SPONSOR: Phillips. **Moved by Phillips to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

## **A G E N D A**

### **BOARD OF HEALTH July 13, 1998**

98-2273 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 5-2. Absent: Flagg and McPherson.**

#### **AUTHORIZING**

1. Court authority to abate the public nuisance at the following locations:

98-2274 (A) 2137 Capitol (vacant), Titleholders: Michelle L. Cline, Carroll W. Henderson, Jr.; Legal Interest Holder: Norwest Bank Iowa, N.A. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2275 (B) 930 Forest (vacant), Titleholders: Samuel D. and Rita I. Gooden; Contract Buyer: Suzanne Erwin. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2276 (C) 1432 7th (vacant), Titleholder: Polk County, Iowa. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2277 (D) 1609 8th (vacant), Titleholder: Tax Acquisitions Xtrordinaire, L.C.; Contract Buyers: Victor Pestana, Manuela Cruz. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2278 (E) 1920 9th (vacant), Titleholder: John Wininger; Contract Buyer: Patricia Anderson; Legal Interest Holder: Polk County, Iowa. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2279 (F) 1554 23rd (vacant), Titleholder: Unrecorded Titleholder: Edward Bodensteiner; Legal Interest Holder: John Davis d/b/a Data International, Inc. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2280 (G) 4150 E. 30th (vacant), Titleholders: Fendall M. and Anna P. Dreher; Contract Buyers: Jim and Tina M. Pieart. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-2281 MOTION TO ADJOURN. **Moved by Vlassis to adopt at 9:10 P.M.**